

EXHIBIT 10

*****TIME-SENSITIVE, COURT AUTHORIZED NOTICE*****

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LOYDA ALVAREZ, individually and on behalf
of all others similarly situated,

v.

NES GLOBAL, LLC,

Civil Action No. 4:20-cv-01933

Jury Trial Demanded

**TO: All individuals employed by or working on behalf of NES Global, LLC who
were paid a day rate with no overtime in the past three years.**

RE: Collective action lawsuit seeking unpaid overtime and back wages.

DATE: _____¹

DEADLINE TO CONSENT: _____², 2021.

1. Why Are You Getting This Notice?

You received this notice because the court in charge of this collective action lawsuit ordered this Notice to be sent to persons who are identified by NES Global's records as current or former employees who were paid a day rate without overtime at any time in the last three years.

The Court has allowed or "certified" a collective action lawsuit that may affect your legal rights. This notice is intended to advise you of how your rights under the Fair Labor Standards Act ("FLSA") may be affected by this lawsuit and describe how you can participate in this collective action. The Court has taken no position regarding the merits of the claims or defenses at issue.

2. What Is This Lawsuit About?

Loyda Alvarez, a former NES Global employee (Class Representative), filed this collective action lawsuit on behalf of herself and all other current and former NES Global employees who were paid a day rate without overtime at any time in the last three years regardless of where they worked, how much they were paid, or the number of overtime hours worked. Class Representative alleges that NES

¹ This date will be the earlier of the date the Notice/Consent is mailed or emailed by Alvarez's lawyers.

² This date will be sixty (60) days after the earlier date the notice is either mailed or emailed.

Global violated a federal law known as the FLSA, which requires employers to pay overtime compensation to employees who work more than 40 hours in a week at a rate of one-and-one-half times their regular rate, unless the employees are “exempt.” They contend NES Global did not pay overtime compensation at this premium rate for the hours that they and other employees like them worked over 40 hours in a workweek. 29 U.S.C. § 201, *et seq.* Instead, NES Global only paid these employees a flat daily rate. The Class Representative seeks back wages in the form of unpaid overtime, double damages (liquidated damages), plus attorneys’ fees and costs for themselves and all other similarly situated workers.

NES Global denies the allegations in this lawsuit. NES Global contends it properly paid workers in the proposed class pursuant to the FLSA. NES Global contends it properly paid workers in the proposed class pursuant to the FLSA. NES contends that it paid overtime to all of its employees who were owed overtime pursuant to the FLSA.

The Court has not ruled which party will prevail in this lawsuit but has ordered that this notice be sent to you to inform you of your legal rights and ability to make a claim for unpaid overtime wages. Should the Class Representative and the individuals who are covered in this collective action win, you may recover damages for unpaid overtime worked during the period _____,³ 2017 to the present. The relevant time period for your claim will be calculated based on the date you return a completed Consent to Join Wage Claim Form, which is attached to this Notice.

3. Are You Eligible to Join This Lawsuit?

You are eligible to join this lawsuit if:

1: You worked for NES Global at any time in the last three years;⁴

AND

2: You were paid a day rate with no overtime compensation.

4. What Are Your Options?

If you want to join this lawsuit and make a claim for unpaid overtime wages, you must read, sign, and return the attached Consent to Join Wage Claim Form by _____, 2020. You may return you Consent to Join Wage Claim Form by filling out the attached form and returning it by mail, email, or fax to:

Overtime Lawsuit Against NES Global (Day Rate)

**Josephson Dunlap
11 Greenway Plaza, Suite 3050
Houston, Texas 77046
Telephone: (888) 992-2990
Fax: (713) 352-3300
Email: info@mybackwages.com**

³ Three years prior to an Order granting conditional certification in this case.

⁴ In addition to any tolling period the Court finds appropriate.

Instead of contacting the above counsel, you may also contact counsel of your choice.

If you do not wish to be a part of the collective action lawsuit, you do not need to do anything. This decision to join is entirely yours.

5. Effect of Making A Claim for Unpaid Overtime Wages

If you return a Consent to Join Wage Claim Form, you will be part of the case. Therefore, if the individual who brought this case wins or settles the case, you may receive additional money from NES Global.

If you decide to join this lawsuit, you may be selected to answer written questions under oath, produce documents relating to your claim, testify at an oral deposition under oath, and/or testify at trial with regard to your claim against NES Global.

Because the FLSA only allows workers to recover up to the past three (3) years of back wages, eligible workers who do not timely join this litigation by returning a Consent to Join Wage Claim Form may lose their rights to recover overtime for work performed in the past for NES Global.

6. Retaliation and Blackballing Is Prohibited

Federal law prohibits anyone from firing or in any other way discriminating against you because you join this case. NES Global has agreed to abide by the law in this regard.

7. Your Legal Representation If You Join

If you choose to join this collective action lawsuit by submitting the Consent to Join Wage Claim Form attached to this Notice, you are agreeing to be represented by Michael A. Josephson and Carl A. Fitz of the law firm Josephson Dunlap, and Richard (Rex) Burch of the law firm Bruckner Burch PLLC. Their contact information is listed below.

You also have the right to hire an attorney of your choosing.

8. How Can You Receive More Information?

If you have any questions about the collective action or your legal rights, you should contact counsel for the class of NES Global employees directly at:

Michael A. Josephson
Carl A. Fitz
Josephson Dunlap LLP
11 Greenway Plaza, Suite 3050
Houston, Texas 77046
Tel: (888)992-2990
Fax: (713) 325-3300
Email: info@mybackwages.com

Richard J. (Rex) Burch
Bruckner Burch PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Tel: (713) 877-8788
Fax: (713) 877-8065
Email: frontdesk@brucknerburch.com

You should not contact the Court to discuss this matter.

9. You Have Sixty (60) Days to Join This Lawsuit.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three (3) years of back wages from the date the Consent to Join Wage Claim Form is filed, time is of the essence in submitting this form if you wish to have the opportunity to make a full recovery. All consent forms must be received no later than _____, 2021, which is sixty (60) days after this Notice was mailed to you. A Consent to Joint Wage Claim Form is enclosed with a self-addressed stamped envelope.

This notice has been authorized by the Honorable Keith P. Ellison, the U.S. District Judge who is overseeing this case.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LOYDA ALVAREZ, individually and on behalf
of all others similarly situated,

v.

NES GLOBAL, LLC,

Civil Action No. 4:20-cv-01933

Jury Trial Demanded

CONSENT TO JOIN WAGE CLAIM AGAINST NES GLOBAL

Court-imposed deadline for filing is _____⁵, 2021.

Print Name: _____

1. I consent, agree, and opt-in to the lawsuit filed against NES Global, LLC (NES Global) styled *Alvarez v. NES Global LLC*, Case No. 4:20-cv-1933 (S.D. Tex.) (Ellison, J.) (Lawsuit) to pursue my claims of unpaid overtime under the Fair Labor Standards Act (FLSA).
2. I understand the Lawsuit is brought under the FLSA, and I consent to be bound by the Court's decision.
3. I designate the law firms and attorneys at JOSEPHSON DUNLAP LLP and BRUCKNER BURCH, PLLC, as my attorneys to prosecute my wage claim.
4. I consent to having Plaintiff Loyda Alvarez and Plaintiff's Counsel make all decisions regarding the litigation, including the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, entering into an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.
5. I understand that I may be required to actively participate in this lawsuit by answering written questions under oath, producing documents relating to my claim, testifying at an oral deposition under oath, and/or testifying at trial with regard to my claims against NES Global.
6. If needed, I authorize the Plaintiffs' lawyers to use this consent to re-file my claim in a separate lawsuit or arbitration against the NES Global.

Signature: _____

Date: _____

⁵ This date will be sixty (60) days after the earlier of the date the Notice/Consent forms are either mailed or emailed.

Please print or type the following information which will be kept confidential:

_____ Address	_____ City/State/Zip
_____ Home Telephone Number	_____ Cell Phone Number
_____ E-mail Address	_____ Estimated Dates of Work
_____ Positions Held with Company	_____ Locations Worked for Company

RETURN THIS FORM BY MAIL OR FAX TO:

**Overtime Lawsuit Against NES Global
JOSEPHSON DUNLAP LLP
11 Greenway Plaza, Ste. 3050
Houston, Texas 77046
Telephone: 713.877.8788 · Fax: 713.877.8065
E-mail: info@mybackwages.com**

E-MAIL/TEXT MESSAGE TO POTENTIAL CLASS MEMBERS

Subject: Notice of unpaid overtime collective action against NES Global

Dear NES Global employee:

Attached is the Court-authorized Notice regarding a collective action lawsuit against NES Global. You are receiving this e-mail because NES Global's records indicate you are eligible to participate in this collective action lawsuit seeking to recover unpaid overtime wages and your rights may be affected by its outcome. The attached Notice explains the steps you need to take if you want to join. You can review and sign the forms to join the case here «hyperlink».

If you have any questions, please feel free to contact me at «phone» or by e-mail at «email».

«Signature Block»

PROPOSED TELEPHONE SCRIPTS FOR UNDELIVERABLE MAIL

LIVE CALLS

Hello, my name is _____ and I work for _____. I am calling to confirm that you received the notice in the mail regarding the unpaid overtime lawsuit against NES Global on behalf of its workers paid a day rate without overtime. We received information indicating that the notice packet regarding your potential claims affected by the lawsuit against NES Global that we mailed was returned as undeliverable. Have you received this notice by mail and/or e-mail?

If yes: Thank you, have a good day.

If no: What is the best method for me to send you the notice? (mail/e-mail/fax). This information will only be used to send you a copy of the notice. Thank you, have a good day.

If potential class member asks what the case is about: I cannot discuss the case with you. The notice that will be sent to you will provide information regarding the case. If you have additional questions, the notice explains your options for obtaining additional information.

MESSAGES (VOICEMAIL OR OTHER)

Hello. This message is for «Name of Potential Class Member». My name is _____ and I work for _____. I am calling to confirm that you received the notice in the mail regarding the unpaid overtime lawsuit against NES Global on behalf of its workers paid a day rate without overtime. We received information indicating that the notice packet regarding your potential claims affected by the lawsuit against NES Global that we mailed was returned as undeliverable. If you have not received the notice, please call _____ between the hours of _____ to provide the representative with your current contact information so that a notice can be sent to you. Any information you provide will only be used to send you the notice. Thank you and have a good day.